

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN WILBER and STEVEN
WILBER, Guardian Ad Litem for Noah
Lane Prine-Wilber,

Plaintiffs,

v.

DELHI UNIFIED SCHOOL DISTRICT, et
al.,

Defendants.

Case No. 1:24-cv-00600-BAM

**ORDER GRANTING STIPULATION TO
REMAND CASE TO STATE COURT,
DISMISS PLAINTIFFS' SIXTH CAUSE OF
ACTION OF DISABILITY
DISCRIMINATION WITH PREJUDICE,
AND DISMISS PLAINTIFFS' REQUEST
FOR ATTORNEYS' FEES**

(Doc. 6)

The instant action was removed from Merced County Superior Court on May 20, 2024. (Doc. 1.) On June 6, 2024, the parties filed a stipulation indicating that Plaintiffs Steven Wilber and Steven Wilber, Guardian Ad Litem for Noah Lane Prine-Wilber, have agreed to dismiss the Sixth Cause of Action for Disability Discrimination with prejudice and to dismiss Plaintiffs' Request for Attorney's Fees, conditioned upon Defendants Delhi Unified School District and Kevin Ross agreeing to stipulate to a remand of this action to state court. The parties have agreed to these terms. The parties also have agreed that Defendants will have 21 days from the date of the Superior Court's acceptance of this remanded case to file a responsive pleading to Plaintiff's Second Amended Complaint. (Doc. 6.)

Having considered the parties' stipulation, and cause appearing, IT IS HEREBY ORDERED as follows:

1. This action is remanded to Merced County Superior Court.
2. Plaintiffs' Sixth Cause of Action for Disability Discrimination is dismissed with

prejudice.

3. Plaintiffs' Request for attorneys' fees is dismissed.

4. Defendants' responsive pleading to Plaintiffs' Second amended Complaint shall be due on or before 21 days from the date when the Merced County Superior Court accepts remand of this action.

IT IS SO ORDERED.

Dated: June 13, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE